

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

On October 1, 2021, Governor David Y. Ige issued an Emergency Proclamation related to COVID-19 Delta Response, which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). Chapter 92 of the HRS was suspended to the extent necessary in order to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, providing board packets available electronically, live streaming of meetings, and posting minutes of meetings online. Furthermore, if a board has the staffing, technological, and other resources to hold a secure video teleconference (video and audio), it must in good faith, attempt to provide the public with the opportunity to observe the meeting as it happens, and provide an opportunity to deliver oral testimony. No board deliberation or action shall be invalid, if such good faith efforts to implement remote technology for public observations and comments do not work.

The meetings of the Kaua'i County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to HRS Chapter 92.
- The meeting will be closed to the public to be consistent with social distancing practices.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at www.kauai.gov/webcastmeetings. Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to counciltestimony@kauai.gov, sent via facsimile to 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihu'e, Hawai'i 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken at the beginning of the meeting on any agenda item via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. Anyone interested in providing oral testimony shall provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, DECEMBER 1, 2021
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. November 17, 2021 Council Meeting
2. November 17, 2021 Public Hearing re: Bill No. 2839 and Bill No. 2840

E. CONSENT CALENDAR:

1. [C 2021-255](#) Communication (11/16/2021) from the Director of Finance and the Managing Director, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 26, 2021.

2. [C 2021-256](#) Communication (11/17/2021) from the Housing Director, transmitting for Council consideration, A Resolution Amending Resolution No. 49 (1986), As Amended By Resolution No. 12-91 (1991), and Resolution No. 2008-39 (2008), Relating To Records Disposal Policy, to amend the County Records Disposal Policy to permit the disposal of Section 8 program records after three (3) years in accordance with the United States Department of Housing and Urban Development laws. The current County Records Policy requires the Housing Agency to store these records for seven (7) years. **(See Resolution No. 2021-48)**

3. [C 2021-257](#) Communication (11/19/2021) from Council Chair Kaneshiro, transmitting for Council consideration, a proposed Resolution amending Resolution No. 2021-45, confirming the Mayoral reappointment of Donna A. Apisa (Business) to the Planning Commission – Term ending 12/31/2024, due to an inadvertent error. **(See Resolution No. 2021-49)**

F. COMMUNICATIONS:

1. [C 2021-258](#) Communication (10/07/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of a Right-of-Entry Permit allowing the Kaua'i Police Department to enter Grove Farm Company lands to safely detonate a suspected improvised explosive device should the need arise, and to indemnify Grove Farm Company, Incorporated.

2. [C 2021-259](#) Communication (11/09/2021) from Mason K. Chock, Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2022 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2021:
 - A Bill For An Act Relating To Unlawful Chop Shop Activity (*County of Maui*)
 - A Bill For An Act Relating To The Coastal Zone Management Act (*County of Maui*)
 - A Bill For An Act Relating To Climate Change Mitigation (*County of Maui*)
 - A Bill For An Act Relating To Lifeguards (*HSAC Executive Committee*)
 - A Bill For An Act Relating To Traffic Fines (*City & County of Honolulu*)
 - A Bill For An Act Relating To Juneteenth Day (*HSAC Executive Committee*)
 - A Bill For An Act Relating To County Transient Accommodations Tax (*HSAC Executive Committee*)
 - A Bill For An Act Relating To Motor Vehicle Registration (*County of Hawai'i*)**(See Resolution No. 2021-50)**

3. [C 2021-260](#) Communication (11/09/2021) from the Fire Chief and the Managing Director, requesting agenda time for a presentation from Emergency Services Consulting International on the Kaua'i Fire Department Operational and Utilization Study.

4. [C 2021-261](#) Communication (11/10/2021) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept a donation from Malama Pono Health Services of sixty (60) pieces of NARCAN (Naloxone HCL) Nasal Spray 4mg, valued at \$7,500.00, to assist in reducing opioid overdose mortality.
5. [C 2021-262](#) Communication (11/15/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in an additional amount of \$11,105.00 for a new award total of \$158,530.00, to send an officer to the statewide D.A.R.E. Training on O'ahu and Prevention related supplies, such as drug prevention videos, media, and D.A.R.E. training in schools.
6. [C 2021-263](#) Communication (11/15/2021) from the Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance, And Chapter 22, Kaua'i County Code 1987, As Amended, Relating To Public Health, Safety And Welfare. (***See Proposed Draft Bill (No. 2834)***)
7. [C 2021-264](#) Communication (11/17/2021) from the Executive on Transportation, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and no longer of use or value:
 - Fuel Documents (Fuel Receipts from July 2012 to June 2013; Fuel Audit Documents from 2006-2013)
 - Payroll Registers (Pay registers and back-up documents from July 2009 to February 2014)
 - Accounts Payable Documents (Shop Accounts Payable documents and reports from July 2012 to June 2013)
 - Audit Documents (Accrual Calendars from 2008 to July 2012; Payroll Audit Documents from July 2010 to June 2011; Leave Request Audit from July 2012 to June 2013; AEA Quarter/Annual Reports from July 2009 to June 2010; AEA Quarter/Annual Reports from July 2010 to June 2011)
 - Payroll Documents (Timesheets, half sheets (Leave of Absence and Overtime Selections), Daily Change Forms from July 2011 to June 2012)

G. CLAIMS:

1. [C 2021-265](#) Communication (11/10/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Robert A. Zelkovsky, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2021-266](#) Communication (11/18/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joe Duronslet, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2021-267](#) Communication (11/19/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance, as subrogee for Janell M. Efhan, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:1. PLANNING COMMITTEE:

- a. **CR-PL 2021-04:** on Bill No. 2838 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kaua'i County Council, Applicant*) (*ZA-2021-2 – Planning Commission Recommendation*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2021-47](#) – RESOLUTION ADOPTING THE 2021 INTEGRATED SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE COUNTY OF KAUA'I (*Deferred November 17, 2021*)
2. [Resolution No. 2021-48](#) – RESOLUTION AMENDING RESOLUTION NO. 49 (1986), AS AMENDED BY RESOLUTION NO. 12-91 (1991), AND RESOLUTION NO. 2008-39 (2008), RELATING TO RECORDS DISPOSAL POLICY
3. [Resolution No. 2021-49](#) – RESOLUTION AMENDING RESOLUTION NO. 2021-45 CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Donna A. Apisa – Business*)

4. [Resolution No. 2021-50](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2834\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (*Referred to the Planning Commission on August 18, 2021*)

K. BILL FOR SECOND READING:

1. [Bill No. 2838](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kauai County Council, Applicant*) (*ZA-2021-2 – Planning Commission Recommendation*) (*See also CR-PL 2021-04; the Planning Committee recommended approval on second and final reading.*)

L. EXECUTIVE SESSION: *Pursuant to Hawaii's Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

1. ES-1065 Pursuant to Hawaii's Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to provide a briefing as it relates to Bill No. 2838, A Bill For An Ordinance Amending Chapter 8, Kauai County Code 1987, As Amended, Relating To Transient Accommodations, and related matters. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

N. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.